



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY, PLANNING DIRECTOR

November 8, 2018

Via email and USPS

Opal Cliffs Recreation District (OCRD)  
c/o Mark A. Massara, Attorney at Law  
1642 Great Highway  
San Francisco, CA 94122

RE: Letter Agreement re Coastal Development Permit for Opal Cliffs Park

Dear Mr. Massara:

Thank you for the dialogue over the last few months, subsequent to OCRD withdrawal in July 2018 of the coastal development permit (CDP) application that had been approved by the County but appealed by the Coastal Commission, regarding the status of Opal Cliffs Park (Park).

At this point, it is understood that it is the desire of the OCRD to file a different application with the County of Santa Cruz, and the OCRD Board of Directors has agreed to file a CDP application by January 15, 2019 for project that will incorporate the following proposed components:

1. A replacement retractable front entry gate or similar (and potentially new front fencing), with a design that will provide a minimum 6-foot wide open entry space into the Park (greater entry width is encouraged), with an interim agreement to pin the existing gate open to reasonable extent possible pending permit and funding for new components.
2. The gate and Park will be open during the daytime (sunrise to sundown) and free to the general public year around; with the retractable entry or gate closed in off hours to secure the Park and prevent public safety impacts.
3. There will be a way provided for egress from the ocean side during non-daylight hours, perhaps through reuse of the existing magnetized gate within the front fencing at one end.
4. There will be no paid keycard access component.
5. There will be no gate attendant / ambassador program.
6. The gate / front fencing will incorporate new informational signage on the street side to clearly identify that free access is available to the general public during daylight hours.

7. A proposed Special Events Program will be included within the CDP application, with appropriate temporary events to be allowed from time to time as a way to promote and sustain the OC RD and the Park. The CDP application will outline a Special Events and Access Plan which addresses the proposed number of temporary events per year, frequency per month or season, locations and sizes of gatherings, and protocols for managing the events so that general public access to the Park and beach is not adversely impacted or disrupted during the hours that the Park is open.

In order to address concerns of the County and Coastal Commission regarding alleged violations, and prevent alternative enforcement responses by either agency, the above-referenced CDP application will be submitted by January 15, 2019 and will be processed expeditiously by the County Planning Department, with the goal that the CDP is approved by the Planning Commission in early 2019 and the OC RD would thereafter use its best efforts to fundraise, with a goal of installation of a replacement gate by Memorial Day of 2019.

The County appreciates that OC RD has modified operations at the Park, in that there no longer is an ambassador program and currently the existing gate is unlocked and open to the general public during daylight hours. OC RD agrees that such modified operations will continue into the future. A further necessary immediate modification that will prevent alternate enforcement and maximize public knowledge of the available free public access, will be to manage the gate so that it is tied or propped in "open" position during daylight hours. Also, the existing signage needs to be removed so that outdated information is not conveyed to the public. It may be replaced as soon as feasible with new signage upon Planning Director review and approval of a sign change-out, and/or new signage can be pursued through the CDP.

It is understood that OC RD intends to propose to contract with the County Parks Department for services that may include opening and closing the gate so that it is open during daylight hours, trash management, and administration of the Special Events and Access Plan. Please contact Parks Director Jeff Gaffney regarding development of such a contract.

The County has determined that installation of a Donation Box and signage regarding donations may immediately be installed within the Park under an exemption (County Code Section 13.20.064), although the County requests an opportunity to review the planned siting and design of the Donation Box and signage prior to installation in order to ensure consistency with any Building Code requirements that may apply.

Finally, the County, Coastal Commission and OC RD have discussed sources of grant funding to pay costs associated with the replacement gate. Recently, the Coastal Commission took action to require in-lieu fees from a nearby development project, and these fees are being provided to the County for administration and award(s) to project(s) that enhance public access to the coast. The County encourages the OC RD to provide a preliminary design and cost estimate for the improvements to the County Parks Department, along with a request that grant funding be considered for implementation of the project based on the increased public access that will occur.

Again, thanks to you and the OC RD Board for the productive dialogue over the past few months about how to move forward in a manner that avoids litigation and enforcement activities, in favor of shifting operational aspects of the Park toward greater access by the general public. As long as OC RD undertakes activities as outlined above, alternative enforcement responses will not be pursued by the County, and it is our understanding that the Coastal Commission also supports the

above-described type of project and operations. The County looks forward to partnering with the OCRD in the future to assist as needed with the Park operations.

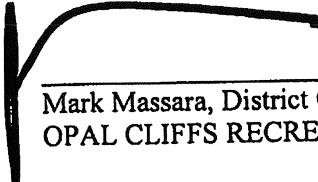
Please confirm OCRD's agreement with the foregoing by signing below to execute this letter agreement, and please return a copy to me at the County Planning Department, 701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060.

Best Regards,



Kathleen Molloy  
Planning Director  
County of Santa Cruz

ACCEPTED



11.27.18

Mark Massara, District Counsel and Authorized Agent  
OPAL CLIFFS RECREATION DISTRICT

CC: John Griffiths, Chair OCRD  
Carlos Palacios, County Administrative Officer  
Jeff Gaffney, County Parks Director  
Dan Carl, California Coastal Commission Central Coast District Director